

IC 14-22-39

Chapter 39. Enforcement

IC 14-22-39-1

Concurrent power of attorney general and prosecuting attorneys

Sec. 1. The attorney general has concurrent power with prosecuting attorneys to enforce this article, including the power to approve and file an affidavit charging a violation of law under this article.

As added by P.L.1-1995, SEC.15.

IC 14-22-39-2

Summons; failure to appear

Sec. 2. (a) A conservation officer may issue a summons for a violation committed within the view of the conservation officer.

(b) A defendant who fails to appear as commanded by the summons is in contempt of court.

(c) Upon a failure to appear, the court shall issue a warrant for the arrest of the defendant.

(d) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles indicating that the defendant failed to appear in court as ordered. The court shall then mark the case as failure to appear on the court's records.

(e) This subsection applies to a warrant issued under subsection (c) for the arrest of a defendant who is not an Indiana resident. If the warrant is not executed within thirty (30) days after issue, the court shall promptly forward the court copy of the summons to the bureau of motor vehicles. The bureau of motor vehicles shall notify the bureau of motor vehicles commission of the state of the nonresident defendant of the defendant's failure to appear and also of any action taken by the bureau of motor vehicles relative to the Indiana driving privileges of the defendant. The court shall then mark the case as failure to appear on the court's records.

(f) If the bureau of motor vehicles receives a copy of the summons or a summons for failure to appear in court, the bureau of motor vehicles shall suspend the driving privileges of the defendant until the defendant appears in court and the case has been disposed of. The order of suspension may be served upon the defendant by mailing the order by certified mail, return receipt requested, to the defendant at the last address shown for the defendant in the records of the bureau of motor vehicles. The order takes effect on the date the order is mailed.

(g) For nonresidents of Indiana, the order of suspension shall be mailed to the defendant at the address given to the arresting conservation officer by the defendant as shown by the signed summons. The order takes effect on the date of mailing. A copy of the order shall also be sent to the bureau of motor vehicles of the

state of the nonresident defendant. If:

- (1) the defendant's failure to appear in court has been certified to the bureau of motor vehicles under this chapter; and
- (2) the defendant subsequently appears in court to answer the charges against the defendant;

the court shall proceed to hear and determine the case in the same manner as other cases pending in the court. Upon final determination of the case, the court shall notify the bureau of motor vehicles of the determination upon forms prescribed by the bureau of motor vehicles. The notification shall be made by the court within ten (10) days after the final determination of the case, and the original copy of the summons must accompany the notification.

As added by P.L.1-1995, SEC.15. Amended by P.L.186-2003, SEC.65.

IC 14-22-39-3

Searches of effects; entry onto property

Sec. 3. (a) As used in this section, "public or private property" does not include dwellings.

(b) The director and conservation officers may:

- (1) search a boat, a conveyance, a vehicle, an automobile, a fish box, a fish basket, a game bag, a game coat, or other receptacle in which game may be carried; and
- (2) enter into or upon private or public property for the purposes of subdivision (1) or for the purpose of patrolling or investigating;

if the director or conservation officer has good reason to believe that the director or conservation officer will secure evidence of a violation of this article or a law for the propagation or protection of fish, frogs, mussels, game, furbearing mammals, or birds.

As added by P.L.1-1995, SEC.15.

IC 14-22-39-4

Search warrants; issuance

Sec. 4. (a) A court may issue a warrant to search a house or place for the following:

- (1) Seines, fishnets, fish traps, fish-spears, or any implement or device used or kept for use for taking wild animals illegally.
- (2) Wild animals or parts of wild animals whose possession is unlawful.

(b) Search warrants, affidavits for search warrants, and all procedure concerning search warrants must be in the form and substance provided by law for search warrants and issuance of search warrants in other cases.

As added by P.L.1-1995, SEC.15.

IC 14-22-39-5

Search warrants; execution and service

Sec. 5. The director or a conservation officer may execute and serve any place in Indiana with the warrants and processes issued by

a court having jurisdiction under a law that the director has the duty to enforce.

As added by P.L.1-1995, SEC.15.

IC 14-22-39-6

Seizure of animals and equipment

Sec. 6. (a) Conservation officers and other police officers shall seize:

- (1) wild animals;
- (2) remains of wild animals; or
- (3) hides or furs of furbearing animals;

taken or attempted to be taken in violation of this article or IC 14-2 (before its repeal). Upon conviction, the items seized are forfeited to the state, and the director shall dispose of the items according to the discretion of the director.

(b) Notwithstanding IC 35-47-3, conservation officers and other police officers shall seize all equipment, devices, or machinery used by a person to:

- (1) take or attempt to take a wild animal; or
- (2) store or transport carcasses, hides, or furs of furbearing animals;

in violation of this article or IC 14-2 (before its repeal). Upon conviction, the equipment, devices, or machinery seized are forfeited to the state and the director shall dispose of the items according to the discretion of the director.

As added by P.L.1-1995, SEC.15.